

# The Commonwealth of Massachusetts

## DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

D.T.E. 04-78

September 20, 2004

Petition of Commonwealth Electric Company d/b/a NSTAR Electric for Approvals Relating to the Termination of Its Obligations to Purchase Electricity Under a Power Purchase Agreement with Dartmouth Power Associates Limited Partnership.

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### ORDER OF NOTICE

The Company, Commonwealth Electric Company, shall, no later than fourteen (14) days prior to Wednesday, October 7, 2004, publish the attached Notice of Public Hearing and Procedural Conference in The Boston Globe or the Boston Herald. The Company shall also serve a copy of the notice on the Chairmen of the Board of Selectmen, Mayors, Town Clerks and City Clerks of the towns and cities in the Company's service area, post a copy of the notice in each town or city hall in the Company's service area until the comment period has expired, and provide actual notice to any person who has filed a request for notice with the Company. The Company shall serve a copy of the notice to the distribution lists in Cambridge Electric Light Company/Commonwealth Electric Company, D.T.E. 03-118, and Cambridge Electric Light Company/Canal Electric Company/Commonwealth Electric Company, D.P.U./D.T.E. 97-111, and make return of service and proof of publication at the public hearing.

By Order of the Department,

/s/

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Mary L. Cottrell, Secretary



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### NOTICE OF PUBLIC HEARING AND PROCEDURAL CONFERENCE

On August 27, 2004, pursuant to G.L. c. 164, §§ 1A, 1G, 76, 94, and 94A, Commonwealth Electric Company d/b/a NSTAR Electric ("Commonwealth" or "Company"), filed with the Department of Telecommunications and Energy ("Department") for approval of a Purchase and Sale Agreement with Dartmouth Power Associates Limited Partnership ("Dartmouth Power"), and approval of ratemaking treatment relating to the costs associated with the Purchase and Sale Agreement.

The Company is a party to a purchase power agreement ("PPA") with Dartmouth Power, dated September 5, 1989, and amended four times, pursuant to which Dartmouth Power sells to Commonwealth and Commonwealth buys from Dartmouth Power, certain electric energy products produced by the Dartmouth Power facility located in Dartmouth, Massachusetts. Pursuant to the Dartmouth Power PPA, Commonwealth is obligated to purchase one hundred percent of the output of the Dartmouth facility. The Dartmouth Power PPA runs through May 2017.

In the Petition, the Company requests that the Department approve a Purchase and Sale Agreement ("Dartmouth Agreement") between Commonwealth and Dartmouth Power that was the result of a public auction conducted in 2003. The Dartmouth Agreement would permanently assign the Dartmouth Power PPA to Dartmouth PPA Holdings LLC, and would extinguish all obligations for Commonwealth to purchase power under the Dartmouth Power PPA. Under the Dartmouth Agreement, Commonwealth is required to pay Dartmouth Power a lump sum termination payment, which the Company proposes to securitize in D.T.E. 04-70. The Company states that the Dartmouth Agreement will result in approximately \$30 million of customer savings on a net present value basis. The Company also requests that the Department approve its proposal to recover costs relating to the Dartmouth Agreement through its transition charge.

The Department will conduct a public hearing to receive comments on the Company's filing at **10:00 a.m. on Thursday, October 7, 2004**, at the Department's offices -- One South Station, Boston, Massachusetts, 02110. Following the public hearing, the Department will conduct a procedural conference.

Any person who wishes to submit written comments may do so by filing an original and five (5) copies of such comments with: Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, no later than the close of business **Monday, October 4, 2004**.

Any person seeking to intervene in this investigation must file an original and five (5) copies of a written petition for leave to intervene or to participate in this proceeding no later than the close of business (5:00 p.m.) **Monday, October 4, 2004**, with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110. A petition to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department -- not mailing -- constitutes filing and determines whether a petition is timely filed. A late-filed petition may be disallowed as untimely, unless good cause is shown for waiver. To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

In addition to paper filings with the Secretary of the Department, all written pleadings or comments must be submitted to the Department in electronic format by e-mail attachment to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us) and [joan.evans@state.ma.us](mailto:joan.evans@state.ma.us). The text of the e-mail must specify: (1) an easily identifiable case caption; (2) docket number (D.T.E. 04-78); (3) name of the person or company submitting the filing; and (4) a brief descriptive title or document (e.g., comments or petition to intervene). The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix) or in Microsoft Word, (naming the document with a ".doc" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. Documents submitted in electronic format will be posted on the Department's Website, [www.state.ma.us/dpu/](http://www.state.ma.us/dpu/).

A copy of the Company's filing is on file at the Department's offices, One South Station, Boston, Massachusetts for public view during business hours. Copies also are on file for public view at NSTAR Electric, 800 Boylston Street, Boston, Massachusetts. Any person desiring further information regarding the Company's filing should contact Robert N. Werlin, Esq., at (617) 951-1400. Any person desiring further information regarding this notice should contact Joan Foster Evans, Hearing Officer, Department of Telecommunications and Energy, at (617) 305-3613.